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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,385	01/18/2005	Frank Dumont		2339

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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01/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,385

Applicant(s)

DUMONT ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response (10/31/08).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/31/08 have been fully considered but they are not persuasive.

Applicant's Arguments

a) Applicant states that AAPA does not disclose/suggest a digital encoder receiving a first analog signal with ancillary information in a given time window. The applicant also states that AAPA discloses a source which may be a conventional analog VCR or an MPEG-II video signal.

b) Applicant states that the combination of AAPA and Dean would make the present claimed arrangement unpatentable.

Examiner's Response

a) The examiner disagrees. The examiner notes that the MPEG-II protocol includes such ancillary data, which may be encoded in the VBI (text, program guide etc..). In the event the applicant maintains that MPEG-II video signals do not include such information, the examiner requests the applicant to clarify such. Regarding the "given time window", given the broadest reasonable interpretation, the signal would have to be received during some time period...meeting the given time window.

b) The examiner disagrees. It is initially noted that the examiner relied upon Dean to evidence the synchronizing of the second/first analog signals and the determining a time occurrence.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 rejected under 35 U.S.C. 103(a) as being unpatentable over EP-1128673 (Applicant's Admitted Prior Art (AAPA) in view of Dean et al., US 5,914,757.

In considering claims 1 and 7,

- a) the claimed a digital encoder...is met by encoder 116 (Figs 2c/d)
- b) the claimed a digital decoder is met by decoder 122 (Figs 2c/d)

However, AAPA does not explicitly recite synchronizing the second analog to the first analog signal, nor the determining the occurrence of said time window.

The concept of synchronization two or more signals is known in order to provide a suitable display. Since various signals, typically include different offset/frequency/timing intervals (i.e. active/inactive) video they must be synchronized in order to be displayed alternatively or at the same time (i.e. PIP). This concept is also evidenced by Dean, US 5,914,757 which discloses the feature of synchronizing multiple video and graphics sources wherein the signals are synchronized by using the vertical and horizontal sync signals (via sync control 220/signal 102) (Fig 2).

Thus it would have been obvious to one of ordinary skill in the art to modify AAPA with that of Dean in order to provide the advantages as noted above.

Regarding the determining the occurrence of the time window, Dean discloses that the synchronous information (i.e. vertical, horizontal and color) are used to sync the various video signals and graphic sources (Fig 2)

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA which discloses a synchronized video apparatus, by synchronizing such signals by using the timing information from the respective video signals as done by.

In considering claims 2-6,

The combination above discloses the features of a sync separator/means for synchronizing wherein the signals derived from the sources would be high/low or not according to the received waveform/pattern. Regarding the CVBS signal AAPA discloses the reception of such signal.

In considering claim 8,

The system includes a selector (mux 118) which is connected (coupled) to the display via the decoder.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP-11128673 (Applicant's Admitted Prior Art (AAPA) in view of Dean, US 5,914,757.

In considering claim 9,

a) the claimed a digital encoder...is met by encoder 116 (Figs 2c/d)

b) the claimed a digital decoder is met by decoder 122 (Figs 2c/d)

However, AAPA does not explicitly recite synchronizing the second analog to the first analog signal.

The concept of synchronization two or more signals is known in order to provide a suitable display. Since various signals, typically include different offset/frequency/timing intervals (i.e. active/inactive) video they must be synchronized in order to be displayed alternatively or at the same time (i.e. PIP). This concept is also evidenced by Dean as stated above with respect to claim 1.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

/BRIAN P. YENKE/
Primary Examiner, Art Unit 2622

B.P.Y
23 January 2009

